

REMARKS

By the present Amendment, claims 1, 4, 8, and 10 have been amended.

Claims 14-16 are newly presented for consideration. Accordingly, claims 1-16 remain pending in the application. Claims 1, 4, 8, and 10 are independent.

In the Office Action of December 30, 2009, claims 1-13 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Regarding this rejection, the Office Action indicates that claims 1, 4, 8, and 10 do not clearly indicate how the counting unit counts thrombus by combining thrombus detected by a detector detecting ultrasound waves and thrombus detected by a detector detecting light beams. This rejection is respectfully traversed.

By the present Amendment, Applicants have amended the claims to clarify the different manners in which thrombus can be counted. According to independent claim 1, for example, the thrombus counting unit counts the number of thrombus detected by both the first detector and thrombus detected by the second detector. As discussed in the Specification, the first and second thrombus detectors are operated differently to detect thrombus. See paragraphs [0039] of the published application. Thus, the thrombus counting unit is capable of counting thrombus measured by each detector separately. Such an arrangement advantageously allows detection of thrombus passing through both deep and shallow portions of the skin. See paragraph [0011]

Applicants have also introduced claims 14-16 which further clarify the manner in which the thrombus counting unit compares the count obtained from the two different detectors in order to generate an alarm. According to claim 14, for example, the total number of thrombus counted by the thrombus counting unit results

from addition of the number of thrombus detected by the first detector and the number of thrombus detected by the second detector. If the sum of the detected thrombus exceeds a threshold value, then the alarm is generated. According to claim 15, the number of thrombus detected by the first and second detectors are not added to each other, and a single threshold value is set. If the number of thrombus detected by either the first detector or the second detector exceeds the threshold value, then the alarm is generated. According to claim 16, different threshold values are used for each detector. These claims are fully supported, for example, by paragraph [0040] of the published application.

Applicants have also amended independent claims 4, 8, and 10 to specify that the number thrombus counted is a result of adding the results of the two different measurements. Specifically, independent claim 4 indicates that the thrombus counting unit counts the number of thrombus by adding the number of thrombus detected by the first detector and the number of thrombus detected by the second detector. Independent claims 8 and 10 indicate that the number of thrombus flowing in the blood vessel at the monitor portion are counted by addition of the intensity of the measured echo signals and penetrating living body light.

Applicants respectfully submit that, as amended, the presently pending claims satisfy the requirements of 35 USC §112, second paragraph,. Withdrawal of this rejection is therefore respectfully requested.

Claims 2, 3, 5-7, 9, and 11-16 depend from independent claims 1, 4, 8, or 10, and are therefore believed allowable for at least the reasons set forth above with respect to these independent claims.

For the reasons stated above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a Notice of Allowance is believed in order, and courteously solicited.

If the Examiner believes that there are any matters which can be resolved by way of either a personal or telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

AUTHORIZATION

Applicants request any shortage or excess in fees in connection with the filing of this paper, including extension of time fees, and for which no other form of payment is offered, be charged or credited to Deposit Account No. 01-2135 (Case: 983.46144X00).

Respectfully submitted,
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